

Docket No.: CI-0005

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Dawson BURGESS, William N. DROHAN, Martin J.
MACPHEE, David M. MANN and Dawson BEALL

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: Group Art Unit: 1761

Serial No.: 09/960,705

Filed: September 24, 2001

Confirm. No.: 4287

For: A METHOD OF LYOPHYLIZATION TO REDUCE SOLVENT CONTENT AND
ENHANCE PRODUCT RECOVERY

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

X 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) **before the mailing date of a first Office Action on the merits**. No certification or fee is required. 37 C.F.R. §1.97(b).

— 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).

— a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check no. _____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. ____ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
- a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- 4. Other.
- X 5. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: September 25, 2003

DRM/TMS:dcp

LIST OF PRIOR ART CITED BY APPLICANT (PTO-1449)				ATTY. DOCKET NO. CI-0005		APPLN. SERIAL NO. 09/960,705	
				APPLICANT(S) Wilson BURGESS, William N. DROHAN, Martin J. MACPHEE, David M. MANN and Dawson BEALL			
				FILING DATE September 24, 2001		GROUP 1761	

U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	3,962,038	06/08/76	KAWASHIMA et al.	195	68	04/10/74
	4,894,253	01/16/90	HEINEMAN et al.	427	36	08/08/88
	5,002,766	03/26/91	RANSBERGER et al.	424	94.2	09/23/88
	5,965,349	10/12/99	LIN et al.	435	2	03/17/97
	5,958,669	09/28/99	OGLE et al.	435	1.1	05/02/97
	5,911,951	06/15/99	GIRARDOT et al.	422	28	02/09/98

U.S. PATENT APPLICATION PUBLICATIONS						
	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	

U.S. PATENT APPLICATIONS						
	*APPLN. NO.	*FILING DATE	*INVENTOR	CLASS	SUBCLASS	

FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
	JP 408098688A	04/16/96	Japan			Yes	No
	WO 00/52031	09/08/00	PCT			Abs	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)	
	P.V. Kapanin et al., "Feasibility of liposome cryoradiation sterilization," Khimiko-Farmatsevticheskii Zhurnal, 1988, Vol. 22(4), Abstract, pp. 479-82.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.